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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,003	05/25/2001	Jeff Swanson	31255-1002	5858

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EXAMINER

SHARMA, SUJATHA R

ART UNIT PAPER NUMBER

2684

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/866,003		SWANSON ET AL.	
	Examiner		Art Unit	
	Sujatha Sharma		2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7,9,10 rejected under 35 U.S.C. 103(a) as being unpatentable over Richter [DE 1918055A1] in view of Haskins [US 4,734,679].

Regarding claims 1,3 Richter discloses a mobile handset comprising

- a housing; see 3 in Fig. 1a
- a transparent area on the housing; see fig. 2 and English translation document page 8, paragraph 3
- a graphical element positioned on the transparent area; see fig. 2 and English translation document page 8, paragraph 3
- a backlighting source within the mobile handset and constructed to illuminate at least portion of the transparent area; see English translation document page 6, paragraph 6, page 9, paragraph 2.

However, he does not disclose a method wherein the graphical element on the transparent area being indicative of a key function.

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Haskins, in the same field of endeavor, teaches a method wherein different plastic covers with printed indicia are used to widen the choice of color selection and variation in appearance to the user. See col. 1, lines 20-45.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Haskins to Richter in order to widen the choice of color selection and variation in appearance to the user.

Regarding claim 2, Richter discloses the backlighting source to be an array of light emitting diodes. See english translation document page 4, paragraph 2, page 6, paragraph 6, page 7, paragraph 1, page 9, paragraph 2.

Regarding claim 4, Richter discloses a method wherein the device comprises of at least one layer of opaque coating upon at least a portion of the transparent area. See English translation, page 3, paragraphs 1,2.

Regarding claim 5, Richter further discloses a method wherein the graphical element comprises a negative image (image that is light against a dark background) within the coating. See English translation document, page 2, paragraphs 2,3.

Regarding claims 6,7 Richter further discloses the graphical element to comprise of pad printed graphical element. See english translation document, page 3, paragraphs 4, page 9, paragraph 1.

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Regarding claim 9, Richter discloses a method wherein the device comprises at least one layer of an opaque coating on the non-graphics surface area of the housing. See english translation document, page 7, paragraph 1, page 9, paragraph 1

Regarding claim 10, Richter discloses a method wherein the device comprises at least one layer of an opaque coating on the graphics surface area of the housing. See english translation document, page 2, paragraph 2,3.

Regarding claim 11, Richter discloses a mobile handset comprising:

- a translucent housing having an outer and inner surface; see fig. 2 and English translation document page 8, paragraph 3
- at least one layer of an opaque coating upon at least said outer surface of said housing; See English translation document, page 2, paragraph 2,3
- graphical elements located on at least said housing, said graphical elements comprising a negative image within said coating so as to expose said housing outer surface through said graphical elements; see fig. 2 and English translation document page 2, paragraph 2,3 and page 8, paragraph 3
- backlighting source located within said housing for enhancing visibility of said graphical elements, said backlight source comprising at least one source selected from the group consisting of an electroluminescent panel and an array of light emitting diodes; see English translation document page 6, paragraph 6, page 9, paragraph 2

Regarding claim 12, Richter further discloses handset comprising:

- at least the front portion of said housing formed from light emitting material; see fig. 2 and English translation document page 8, paragraph 3
- an opaque layer covering selected portions of said light transmitting housing front portion defining the edges of graphical elements; See English translation, page 3, paragraphs 1,2
- the electroluminescent panel arranged within the housing so that visible light is emitted through areas of said housing front portions not covered by said opaque layer. See Fig. 1a-1d and English translation, page 3, paragraphs 1,2; page 4, paragraphs 1-3

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richter [DE 1918055A1] and Haskins [US 4,734,679] in view of admitted prior art (page 7, lines 16-21).

Regarding claim 8, Richter as treated in claim 1 discloses all the limitations as claimed. However he does not disclose a method wherein the housing and the graphical element comprise an in-molded graphical element.

Admitted prior art teaches the in-molded process to create graphical element on the housing of the wireless unit. See page 7, lines 16-21.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching to modified Richter as design choice in creating the graphical element on the housing of the wireless device.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
3/2/05


NICK CORSARO
PRIMARY EXAMINER